

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ARNOLD JACKSON,

Plaintiff,

-against-

WATERMAN STEAMSHIP CORP.,

Defendant.
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: 07 CV 3320 (SHS)

: **DECLARATION OF**
: **LISA G. JOHNSTON PURSUANT**
: **TO TITLE 28 U.S.C. § 1746**

LISA G. JOHNSTON, a person of the full age of majority, declares as follows:

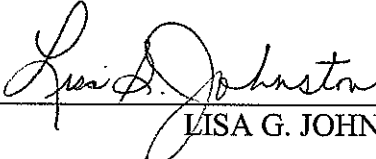
1. I am employed by International Shipholding Corporation as the Marine Healthcare Administrator.
2. Waterman Steamship Corporation is one of International Shipholding Corporation's principal subsidiaries, and together with our other subsidiaries and companies, International Shipholding Corporation (hereinafter referred to collectively as the "Company") operates a fleet of ocean-going vessels, LASH barges and related shoreside handling facilities.
3. As the Marine Healthcare Administrator for the Company, I am familiar with and have knowledge of the company's records and documents as they pertain to accidents, incidents and matters involving litigation.
4. My employment duties with the Company entail coordinating the payment of benefits to employees who sustain injuries during the course of their work, and as such I am knowledgeable of the payment of maintenance and cure benefits on behalf of Arnold Jackson, who allegedly was injured on November 24, 2006. At the time of the alleged injury, Arnold Jackson was working aboard a vessel owned by Waterman Steamship Corporation.
5. Waterman Steamship Corporation is a New York corporation, which at the time of Arnold Jackson's alleged injury, maintained its principal place of business at New Orleans, Louisiana.
6. As a result of post-Hurricane Katrina concerns in New Orleans, Louisiana, Waterman Steamship Corporation has as of April 2007 relocated its principal place of business to Mobile, Alabama.

7. The personnel files of Waterman Steamship Corporation employees, including medical records, payroll records, and employment records, are currently maintained at its offices in Mobile, Alabama and at our counsel's offices in New Orleans, Louisiana.
8. However, the Company believes that it will be more efficient, less time consuming and much less expensive for all concerned for this case to be tried in New Orleans, Louisiana and for the witnesses to testify in New Orleans, Louisiana where they can engage in other activities involving the Company such as training and meetings.
9. I have reviewed Arnold Jackson's personnel file, and it identifies his residential address as 3349 Bretagne Court, Marrero, Louisiana, 70072, which is also the address identified in his medical records. It is also the address where his maintenance and cure benefits have been provided. Marrero, Louisiana, is in the greater New Orleans area.
10. Arnold Jackson signed his articles of employment and joined the M/V ATLANTIC FOREST in New Orleans, Louisiana on September 9, 2006. The vessel is documented with the U.S. Coast Guard with a hailing port of New Orleans, Louisiana.
11. Arnold Jackson allegedly injured his neck and left arm on November 24, 2006 while the vessel was at sea between the Ports of Bahrain and Shuaiba, Kuwait. However, the alleged injuries were not reported until November 27, 2006. (See Exhibit A, attached hereto, Accident Report).
12. Following his first report of injury on November 27, 2006, Arnold Jackson was evaluated by Dr. Lubka Simeonvar at the British Medical Center located in Shuaiba, Kuwait.
13. After evaluation by Dr. Simeonvar, Arnold Jackson was repatriated to the United States via New Orleans, Louisiana where the Company arranged for his medical treatment.
14. Specifically, Arnold Jackson was evaluated by Dr. Gordon Nutik, an orthopedist whose offices are located at 4224 Houma Blvd., Suite 270, Metairie, Louisiana 70006. Arnold Jackson was subsequently evaluated by Dr. Lucien Miranne, a neurosurgeon whose offices are located at 4228 Houma Blvd., Suite 510, Metairie, Louisiana 70006. These offices are located in the greater New Orleans area.
15. Attached hereto as Exhibit B is a complete copy of all medical records received by the Company regarding the medical treatment which Arnold Jackson has received as a result of the alleged incident. Arnold Jackson's medical condition was evaluated by physicians in New Orleans, Louisiana, following the alleged incident and all of his medical treatment has been rendered in New Orleans, Louisiana.
16. The medical records evidencing all treatment received by Arnold Jackson are maintained in New Orleans, Louisiana.
17. An independent investigation into Arnold Jackson's claims performed by the Company revealed at least two work-related injuries to the left arm, elbow and/or neck sustained by Arnold Jackson but not disclosed to the Company prior to his employment on the M/V ATLANTIC FOREST on September 9, 2006.

18. Specifically, on December 8, 1994, Arnold Jackson brought suit against Liberty Maritime Corporation in the Eastern District of Louisiana for injuries suffered to his lower back, neck, left elbow and left leg as a result of a fall from a ladder aboard the M/V LIBERTY SEA. (See Exhibit C, attached hereto, Complaint for Damages by Arnold Jackson).
19. Subsequently, on November 9, 1999, Arnold Jackson brought suit against Transbulk Carriers, Inc., Overseas Shipping Group, Inc. and OSG Ship Management, Inc. in the Southern District of Texas, Galveston Division, for injuries suffered to his neck and back as a result of a slip and fall aboard the M/V OVERSEAS MARILYN. (See Exhibit D, attached hereto, Plaintiff's Original Complaint by Arnold Jackson).
20. The medical treatment associated with Arnold Jackson's alleged injuries in these cases was provided in New Orleans, Louisiana. For these actions, Arnold Jackson was evaluated by the following healthcare providers, each of whom is located in the greater New Orleans area:
 - (a) Stuart I. Phillips, M.D.
Gerard Tassin, M.D.
James W. Keating, M.D.
Susan A. McSherry, M.D.
Ted Hammon, R.N.
Louisiana Clinic
3715 Prytania Street
New Orleans, Louisiana 70115
 - (b) Uroteck GU Diagnostics
Post Office Box 1081
Vinton, Louisiana 71006
 - (c) David H. Mielke, M.D.
1415 Tulane Avenue, HC
New Orleans, Louisiana 70112
 - (d) Richard W. Richoux, M.D.
c/o DePaul Behavioral Health
1040 Calhoun Street
New Orleans, Louisiana 70118
 - (e) J. Monroe Laborde, M.D.
Orthopedic Associates of New Orleans
Suite 402, 3525 Prytania Street
New Orleans, Louisiana 70115
21. Arnold Jackson denied having ever sustained any such injuries when specifically questioned on the personal medical history section of his pre-employment physical for the Company.

22. The only witness to Arnold Jackson's alleged accident aboard the M/V ATLANTIC FOREST identified to date, Mr. Alfred Lee Polk, resides at 6562 Coveview Drive, New Orleans, Louisiana 70126. (See Exhibit E, attached hereto, Personnel Report of Alfred Lee Polk).
23. To the best of my knowledge, none of the witnesses to be called by Waterman Steamship Corporation reside in or in the vicinity of the State of New York.
24. I declare under penalty of perjury that the foregoing is true and correct.

Dated in Mobile, Alabama, on July 25, 2007



LISA G. JOHNSTON